

Intoxicating Liquors (Ireland) (No. 2) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Construction and short title of Act.

Early-closing Licences, Licences, and Excise Licences.

2. Early-closing licences.
3. Remission of duty in case of six-day and early-closing licence.
4. Occasional licence required at fairs and races.
5. Occasional licences,—extension of time for closing.
6. Offences on premises with occasional licence.
7. Restriction as to licences under 5 & 6 W. 4. c. 39. s. 7.
8. Certificates required previously to grant of wholesale beer dealer's licence.
9. Provisions of sect. 82. of principal Act extended.
10. Renewal of licences or excise licences.
11. Notice of intended application for licence.
12. Exemption from closing in respect of markets, fairs, and certain trades.

Time for Grant of Certificates.

13. Power to Lord Lieutenant and Privy Council to fix times for grant of certificates.

Register of Licences.

14. Temporary continuance of licences or excise licences forfeited without disqualification of premises.
15. Provision as to annual renewal of certificate.
16. Amendment of sects. 10. and 11. of 3 & 4 W. 4. c. 68.
17. Register of licences to be kept.

[Bill 191.]

Record of Convictions and Penalties.

Class.

18. Mitigation of penalties.
19. Record of convictions on licenses.
20. Record of conviction for adulteration.

Regulations as to entry on Premises.

21. Constable to enter on premises for enforcement of Act.
22. Search warrant for detection of liquors sold or kept contrary to law.

Miscellaneous.

23. Drunken person may be detained if incapable of taking care of himself.
24. Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices.
25. Penalty on person found on premises during closing hours.
26. Saving as to bona fide travellers and lodgers.
27. Saving as to section nine of the principal Act.
28. Supply of intoxicating liquors after hours to private friends.
29. Summons in police district of Dublin metropolis.
30. License to be produced in court.
31. Liability in respect of distinct licenses.
32. Evidence of licenses, orders, and convictions.
33. Evidence of license.
34. Definitions.
35. Repeal.

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to the sale and consumption of A.D. 1874.
Intoxicating Liquors in Ireland.

WHEREAS it is expedient to amend the provisions of the 35 & 36 Vict.
c. 94.
Licensing Act, 1873, which extend to Ireland; which provisions are in this Act referred to as the principal Act:

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows:

Preliminary.

1. This Act, and the principal Act as amended by this Act, shall,
so far as is consistent with the respective tenors of such Acts, be
construed as one Act, and may be cited together as "The Licensing
Acts (Ireland) 1873-1874; but this Act may, if necessary, be cited
separately as "The Licensing Act (Ireland), 1874.

Construction
and short
title of Act.
35 & 36 Vict.
c. 94.

Early-closing Licences, Licences, and Excise Licences.

2. Where, on the occasion of any application for a new License,
or the removal or renewal of a license which authorizes the sale
of any intoxicating liquor for consumption on the premises, the
applicant is desirous of obtaining the privilege of closing his premises
at an earlier hour at night than usual, he may at the time of
such application apply to the licensing justices to cause to be
inserted in his license a condition that he shall close the premises
in respect of which such license is or is to be granted one hour
earlier at night than that at which such premises would in the
absence of such condition be required to be closed, and the justices
shall cause the said condition to be inserted in such license.

Early-closing
licences.

The holder of a license in which such condition is inserted (in
this Act referred to as an early-closing license) shall close his
[Ed. 191.]

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A.D. 1874.

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premises at night one hour earlier than the ordinary hour at which such premises would be closed under the provisions of the principal Act, and the provisions of this Act and the principal Act shall apply to the premises as if such earlier hour were the hour at which the premises are required to be closed.

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The applicant for an early-closing license may obtain from the Commissioners of Inland Revenue any license granted by such Commissioners which he is entitled to obtain upon payment of a sum representing six-sevenths of the duty which would otherwise be payable by him for a similar license not limited to such early closing as aforesaid. In calculating the six-sevenths fractions of a penny shall be disregarded.

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The notice which a licensed person is required by section eleven of the principal Act to keep painted or fixed on his premises shall, in the case of an early-closing license, contain such words as the licensing justices may order for giving notice to the public that an early-closing license has been granted in respect of such premises.

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Remission of
duty in case
of six-day
and early-
closing
license.

3. A person who takes out a license containing conditions rendering such license a six-day license as well as an early-closing license shall be entitled to a remission of two sevenths of the duty.

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Occasional
license re-
quired at
fairs and
markets.

4. Any person selling or exposing for sale any intoxicating liquor in any booth, tent, or place within the limits of holding any lawful and accustomed fair or any public races, without an occasional license authorising such sale, shall, notwithstanding anything contained in any Act of Parliament to the contrary, be deemed to be a person selling or exposing for sale by retail intoxicating liquor at a place where he is not authorised by his license to sell the same, and he punishable accordingly.

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Provided that this section shall not apply to any person selling or exposing for sale intoxicating liquors in premises in which he is duly authorised to sell the same throughout the year, although such premises are situate within the limits aforesaid.

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Occasional
licenses,—
extension of
time for
closing.

5. Whereas by the twentieth section of the Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter thirty-three, it is provided that the hours during which an occasional license shall authorise the sale of any beer, spirits, or wine shall extend from sunrise until one hour after sunset: Be it enacted, that the said section shall be construed as if in place of the words "sunrise until one hour after sunset" there

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were inserted the words "such hour, not earlier than sunrise or
" later than ten o'clock at night, as may be specified in that behalf
" in the consent given by the justice for the granting of such
" occasional license."

A.D. 1874.

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- 5 6. For the purpose of so much of the principal Act as relates to offences against public order, that is to say, sections twelve to
eighteen, both inclusive, and the sections for giving effect to the
same, a person taking out an occasional license shall be deemed to
be a licensed person within the meaning of the said sections, and
10 the place in which any intoxicating liquors are sold in pursuance
of the occasional license shall be deemed to be licensed premises,
and to be the premises of the person taking out such license.

Offences on
premises
with occa-
sional
license.

7. From and after the passing of this Act it shall not be
lawful for any person under the authority of any license granted
15 under the authority of section seven of the Act of the session
of the fifth and sixth years of the reign of His late Majesty
King William the Fourth, intituled "An Act to exempt certain
" retailers of spirits to a small amount from the additional duties
" on licences, and to discontinue the excise and survey on wine,
20 " and the use of permits for the removal thereof," to sell or
expose for sale by retail any intoxicating liquors elsewhere than
within the part or parts of the theatre or other place of public
entertainment which shall be specified in such license, or to sell
intoxicating liquors to persons other than those employed in or
25 house side attending the performances in such theatre or other place
of public entertainment, or to sell or expose intoxicating liquors
at any time other than the time of such performances, or during
thirty minutes immediately preceding the commencement or
immediately succeeding the termination of such performances; and
30 any sale or exposure for sale in contravention of any of the pro-
visions of this enactment shall be deemed to be a sale or exposing
for sale by retail of intoxicating liquor by a person not duly
licensed to sell the samewith in the meaning of the principal
Act, and shall subject the person making the same to the penalties
35 and forfeitures of that Act.

Restrictions
as to licenses
under
5 & 6 W. 4.
c. 39. s. 7.

Provided always, that no part of such theatre or other place of
public entertainment which shall, during the performances in the
same, be accessible to persons other than those employed or attend-
ing performances therein, shall be included in any such license.

- 40 8. It shall not be lawful for any officer of excise in Ireland to
grant a wholesale beer dealer's license, or to grant a renewal or
transfer of any such license to any person unless such person shall

Certificates
required
previously to
grant of

[181.]

A 2

A.D. 1874.

wholesale
beer dealer's
license.

produce a certificate to the effect and as required by section three of "The Beerhouses (Ireland) Act, 1864," with respect to the grant, renewal, or transfer of the license to sell beer by retail therein mentioned.

All applications for such certificates shall be made in the manner 5 and subject to the like conditions as to appeals against the same and otherwise (so far as the same are applicable) as are prescribed by "The Beerhouses (Ireland) Act, 1864," in relation to applications for certificates under the said Act, as the same are amended 10 by this Act.

Provisions of
sect. 82 of
principal
Act ex-
tended.

9. The provisions of section eighty-two of the principal Act relating to the grant of new excise licenses and of renewals of excise licenses to certain persons therein described shall extend to the transfer of excise licenses, and the said provisions so extended 15 shall not be limited to the case of such persons, but shall extend and apply to all such transfers and grants when made to any other persons: Provided always, that in the case of a new excise license or transfer of an excise license under this section the certificate shall be to the good character of the person applying for the same 20 and to the suitability of the premises.

Renewal of
license or
excise
license.

10. A renewal of a license or excise license may be made by an endorsement on the license or excise license or by the issue of a copy of the old license or excise license, but in the latter case there shall be endorsed on such copy all convictions made within the 25 previous five years which are endorsed on the old license or excise license.

Notice of
intended
application
for license.

11. Every person intending to apply for a new license or for the transfer of a license, instead of serving notice, as hitherto required by the third and fourth William the Fourth, chapter sixty-eight, section two, upon the churchwardens of the parish or union wherein 30 the premises sought to be licensed are situate, shall, on some day not more than four and not less than two weeks before the intended application is to be heard, cause to be inserted or advertised in some paper circulating in the place in which such premises are situate a notice conformable to the requirements of the said section two, 35 chapter sixty-eight, of the third and fourth William the Fourth.

Exemption
from closing
in respect of
markets,
fairs, and cer-
tain trades.

12. In the police district of Dublin metropolis, the chief commis- sioner or the assistant commissioner of police, and in any petty sessions district two or more justices of the peace in petty sessions, upon its being proved to his or their satisfaction that it is necessary 40 or desirable so to do for the accommodation of any considerable

number of persons attending any public market or fair, or following any lawful trade or calling, may, on payment of a fee of two shillings and sixpence, grant (if he or they so think fit) to any licensed person, in respect of premises in the vicinity of such market or fair, or of the place where the persons follow such lawful trade or calling, an order, in this Act termed an "exemption order," exempting such person from the provisions of this Act with respect to the closing of his said premises on such days, and during such time (except between the hours of one and two of the clock in the morning), and upon such terms as may be specified in such order.

In the police district of Dublin metropolis, such chief or assistant commissioner granting an exemption order shall forthwith send the particulars of such order to the divisional justices; and such commissioner shall cause an entry of the particulars of such exemption order to be made in the register of licences; and elsewhere than in the police district of Dublin metropolis, the justices granting an exemption order shall cause the particulars thereof to be forthwith entered by the clerk of petty sessions in the register of licences.

The holder of an exemption order shall not be liable to any penalty for not closing his premises on such days and during such times as may be specified in such order; but he shall not be exempt from any other penalty under the principal Act, or this or any other Act, or otherwise.

A notice, in such form as may be prescribed by such commissioner or justices respectively, stating the days and hours during which the premises are permitted to be open under such exemption order, shall be and be kept affixed in a conspicuous position outside the premises; and if the holder of the exemption order makes default in affixing or keeping affixed such notice in manner aforesaid during the time or any part of the time for which his exemption is granted, he shall be liable to a penalty not exceeding five pounds.

Every person who affixes or keeps affixed to his premises any such notice when he does not hold an exemption order under this section shall be liable to a penalty not exceeding ten pounds.

Any such commissioner or justices aforesaid may at any time (if it seem fit to him or them) withdraw an exemption order under this section, or alter the same by way of extension or restriction, as he or they may deem fit, but not so as to render any person liable to any penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

The aforesaid fee of two shillings and sixpence shall be paid in the police district of Dublin metropolis to the commissioners

A.D. 1874.

of police, and be applied in aid of the funds of the Dublin metropolitan police force, and elsewhere shall be denoted by a stamp or stamps affixed to the exemption order by the clerk of petty sessions, pursuant to the Petty Sessions Clerk (Ireland) Act, 1858.

Times for Grant of Certificates.

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Power to
Lord Lie-
utenant and
Privy Coun-
cil to fix
times for
grant of
certificates.

13. It shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland at any time within two months after the passing of this Act, by and with the advice and consent of the Privy Council, by order to be published in the Dublin Gazette, to constitute one of the general or quarter sessions of the peace now usually holden in and for the several divisions of counties or ridings, counties of cities, and counties of towns, cities, towns, and boroughs to be the annual licensing quarter sessions for such divisions of counties and ridings, and for such counties of cities, counties of towns, cities, towns, and boroughs respectively, and with the like advice and consent, by order to be published in the Dublin Gazette, to appoint for each petty sessions district and for the police district of Dublin metropolis a time for holding annual licensing petty sessions for each such district.

From and after the publication in the Dublin Gazette of such orders respectively, and the constitution and appointment thereby of annual licensing quarter sessions and of annual licensing petty sessions, the provisions following shall apply:

As to quar-
ter sessions
certificates.

1. Where under the provisions of any Act now in force or here-
after to be passed, the production of a certificate of justices
in quarter sessions assembled, or of a recorder of any city,
town, or borough, is required previous to the grant of any
license by an officer of excise, such certificate shall (save as
herein-after provided) not be granted except at an annual
licensing quarter sessions: Provided always, that in case
any license shall, under the authority of the Act of the
session of the eighteenth and nineteenth years of the
reign of Her present Majesty, chapter one hundred and
fourteen, be transferred to any person, and in such other
cases as may seem fit to such justices or recorder, a certificate
may, notwithstanding the preceding provisions, be granted
at any general or quarter sessions (other than the annual
licensing quarter sessions), and in like manner as heretofore;
but any license granted in pursuance of any such last-
mentioned certificate shall only continue in force until the
annual licensing quarter sessions held next after the grant
of such certificate, unless at such annual licensing quarter

sessions such certificate shall be confirmed, and in case such certificate shall not be then confirmed the license granted in pursuance thereof shall not be renewed.

A.D. 1874.

2. Where under the provisions of this Act, or any Act now in force or hereafter to be passed, the production of a certificate by justices presiding at petty sessions, or of a divisional justice in the police district of Dublin, is required previous to the grant or transfer of any license or of an excise license by an officer of excise, such certificate shall not (save as herein-after provided) be granted except at an annual licensing petty sessions: Provided always, that in such cases as may seem fit to such justices sitting in petty sessions, or to such divisional justice, and in all cases in which a certificate is required from such justice or justices for the transfer of a license or of an excise license, a certificate may, notwithstanding the preceding provisions, be granted at any time other than that fixed for annual licensing petty sessions, and in like manner as heretofore; but any license granted in pursuance of any such certificate shall only continue in force until the annual licensing petty sessions held next after the grant of such certificate, unless at such annual licensing petty sessions such certificate shall be confirmed, and in case such certificate shall not be then confirmed, the license or excise license granted in pursuance thereof shall not be renewed.

As to petty sessions certificate.

14. Where on conviction any license or excise license is forfeited without the disqualification of premises, then, if an application is made by or on behalf of any owner of such premises, the convicting justices may, if they think fit, and on payment by such owner of a fee of two shillings and sixpence to their clerk, endorse the license with an authority to such owner, or any person named by him other than the person convicted, to carry on the same business on same premises until the quarter sessions or petty sessions (in which last term is included, with respect to the police district of Dublin metropolis, the court of a police magistrate) for the division, place, or district in which such premises are situate holden next after the expiration of one calendar month after such endorsement, according as the certificate, upon production of which such license or excise license was obtained, was granted at quarter sessions or petty sessions.

Temporary continuance of licenses or excise licenses forfeited without disqualification of premises.

Where such quarter sessions or petty sessions shall be the annual licensing quarter sessions or the annual licensing petty sessions,
[191.] A 4

A.D. 1874.

application may be made for a renewal of such license to some person other than the person convicted, and such renewal may be granted or refused in pursuance of the enactments relating thereto: Provided, that where such quarter sessions or petty sessions shall not be the annual licensing quarter sessions or the annual licensing 5 petty sessions, application for a transfer of such license to some person other than the person convicted may be made and granted or refused in like manner and on the same conditions, and for the same time, as if the person convicted had removed from such premises, and the person applying for such grant was his assignee. 10

Provisions
on annual
renewal of
certificate.

15. Where a licensed person applies for the renewal of his certificate, the following provisions shall have effect:

He need not attend in person at the court unless he is required by the justices or police authority so to attend, for some special cause personal to himself. 15

The justices shall not entertain any objection to the signing of such certificate, or receive any evidence with respect to same, unless a written notice of intention to oppose be served on the applicant not later than seven days before the holding of such session, stating in general terms the grounds on which the 20 renewal of such license is to be opposed.

The justices may, notwithstanding that no notice of objection has been served, if objection is made in court, adjourn the signing of the certificate to a future day, and require the attendance of the applicant; 25

The justices shall not receive any evidence with respect to the signing of such certificate which is not given on oath in open court.

Register of Licenses.

Amendment
of Sects. 10.
and 11, of
3 & 4 Will. 4.
c. 68.

16. Whereas by section ten of the Act of the session of the third 30 and fourth years of the reign of His late Majesty King William the Fourth, chapter sixty-eight, provision is made that every person who shall obtain a license shall within six days next after he shall have obtained such license deliver or cause to be delivered to the clerk of the peace of the county, city, or town in which the house 35 mentioned in such license is situate a note in writing, signed by him or on his behalf, in which shall be specified the christian and surname and place of abode of such person, and other the particulars in said section mentioned; and by section eleven of the said Act provision is made for the entry by such clerk of the peace in a list 40 or register to be kept by him of the particulars specified in every

such note, and it is expedient to amend the said sections: Be it therefore enacted, that, in addition to the particulars required by said section ten of the said Act, every such note shall contain the name and address of the owner of the house in which intoxicating liquors are licensed to be sold by the person by or on whose behalf such note shall be signed, and the same shall be in the form in the schedule (A.) to this Act annexed, and the clerk of the peace to whom such note shall be delivered, in the said list or register to be kept by him as aforesaid shall enter the name and address of every such owner in addition to the particulars prescribed by said section eleven.

A.D. 1874.

The clerk of the peace of every county, city, and town shall from time to time transmit to the clerk of petty sessions of each petty sessions district within such county, city, or town, and in Dublin to the chief clerk of the Metropolitan Police Court, a copy of every entry made by him in pursuance of the said Act and this Act relating to any house or place in such district.

17. There shall be kept in every petty sessions district by the clerk of petty sessions of such district a register, to be called the "register of licenses," in such form as may be prescribed by the Chief Secretary to the Lord Lieutenant of Ireland, containing the particulars from time to time transmitted to such clerk of petty sessions by the clerk of the peace in manner aforesaid, and also the particulars of all certificates given in such district by the justices under the provisions of any Act now in force or hereafter to be passed, or of this Act, and requiring the production of any certificate previous to the grant of a license or excise license, the premises in respect of which they were granted, the names of the owners of such premises, and the names of the holders for the time being of such certificates. There shall also be entered on the register all forfeitures of licenses or of excise licenses, all exemption orders, all disqualifications of premises, records of convictions, and other matters relating to the licensee and excise licenses in force in such district.

Register of
licenses to
be kept.

Every person applying for any such certificate as aforesaid shall state the name of the owner of the premises in respect of which such certificate is granted, and such name shall be endorsed on the certificate, and the person whose name is so stated shall, subject as herein-after mentioned, be deemed, for the purposes of the principal Act and this Act, the owner of the premises.

A court of summary jurisdiction in any petty sessions district may, on the application of any person who proves to the court that

[191.]

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A.D. 1874. he is entitled to be entered as owner of any premises in such district in place of the person appearing on the register to be the owner, make an order substituting the name of the applicant, and such order shall be obeyed by the clerk of [petty sessions of such district, and a corresponding correction may be directed to be made 5 on the certificate and license or excise license granted in respect of the premises of which such applicant claims to be the owner.

Any ratepayer, any owner of premises to which a license or excise license is attached, and any holder of a license or excise license within any petty sessions district shall, upon payment 10 of a fee of one shilling, and any officer of police and any officer of excise in such district, without payment, shall be entitled at any reasonable time to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of petty sessions and every other person who prevents the inspection 15 or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding five pounds for each offence.

The preceding provisions of this section shall apply to the police district of Dublin metropolis: Provided always, that the register in 20 such district shall be kept by the Chief Clerk of the Dublin Metropolitan Police Court, and that the terms "petty sessions district," and "district," and "clerk of petty sessions" shall be construed to mean respectively the police district of Dublin metropolis, and the Chief Clerk of the Dublin Metropolitan Police Court. 25

Record of Convictions and Penalties.

Mitigation
of penalties.

18. Whereas by the sixty-seventh section of the principal Act it is provided that when any person holding a license under that Act is convicted of any offence against that Act, or against any of the Acts recited or mentioned in that Act, it shall not be 30 lawful for the justices before whom he is convicted to mitigate or reduce the penalty for such offence to a less sum than twenty shillings: And whereas it is expedient to amend the said section: Be it therefore enacted, that the said section shall be construed as if instead of the words "It shall not be lawful for the justices 35 " before whom he is convicted to mitigate or reduce the penalty " for such offence to a less sum than twenty shillings," there were inserted the words "It shall not be lawful for the justices before " whom he is convicted to mitigate or reduce the penalty for such " offence, if such offence be a second or any subsequent offence, to 40 " a less sum than twenty shillings."

A.D. 1874.

Record of
convictions
on licenses.

19. Where any licensed person or spirit grocer is convicted of any offence against the principal Act which by such Act was to have been or might have been endorsed upon the license or excise license, or of any offence against this Act the court before whom the offender is brought shall cause the register of licenses in which the license of the offender is entered, or a copy of the entries therein relating to the license of the offender, certified in manner prescribed by this Act to be produced to the court before passing sentence; and after inspecting the entries therein in relation to the license or excise license of the offender the court shall declare, as part of its sentence, whether it will or will not cause the conviction for such offence to be recorded on the license or excise license of the offender, and if it decide that such record is to be made, the same shall be made accordingly.

15 A declaration by the court that a record of an offence is to be made on a license or excise license shall be deemed to be part of the conviction or order of the court in reference to such offence, and shall be subject accordingly to the jurisdiction of the court of appeal.

20 A direction by the court that a conviction for an offence is to be recorded on the license or excise license of the offender shall, for the purposes of the principal Act, be deemed equivalent to a direction or requirement by the Act that such conviction is to be recorded; and all the provisions of the principal Act importing that convictions are required or directed by the Act to be recorded on the license or excise license of an offender shall be construed accordingly.

20. Where a licensed person is convicted of any offence against the provisions of any Act for the time being in force relating to the adulteration of drink, such conviction shall be entered in the proper register of licenses, and may be directed to be recorded on the license of the offender in the same manner as if the conviction were for an offence against the principal Act, and when so recorded shall have effect as if it had been a conviction for an offence against the principal Act.

Record of
conviction
for adultera-
tion.

Regulations as to entry on Premises.

21. Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of the principal Act or this Act which it is his duty to enforce, at all times enter on any licensed premises and on any premises kept by a spirit grocer, and on any premises in respect of which an occasional license is in force.

Constable
to enter on
premises
for enforce-
ment of
Act.

[191.]

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A.D. 1874.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and every subsequent offence ten pounds.

Search
warrant for
detection of
liquor sold
or kept con-
trary to law.

22. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if used be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor; and in the event of the owner or occupier of such premises being convicted of selling by retail or exposing or keeping for sale by retail any liquor which he is not authorised to sell by retail, the intoxicating liquor so seized and the vessels containing such liquor shall be forfeited.

When a constable has entered any premises in pursuance of any such warrant as is mentioned in this section, and has seized and removed such liquor as aforesaid, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on such premises for the purpose of illegally dealing in intoxicating liquor, and be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises on which he seizes or from which he removes any such liquor as aforesaid, and if he has reasonable ground to suppose that the name or address given is false may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant, and carry him as soon as practicable before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false

name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

A.D. 1874.

Miscellaneous.

23. Every person who, in any highway or other public place, whether a building or not, is so drunk as to be incapable of taking care of himself, may be detained by any constable until he can, with safety to himself, be discharged, but he shall not by such discharge be relieved from the liability to any penalty to which he is subject.

Drunken
persons may
be detained if
incapable of
taking care of
himself.

24. Whereas by section eleven of the principal Act it is provided that every licensed person shall cause to be painted or fixed, and shall keep painted or fixed, on the premises in respect of which his license is granted, in a conspicuous place and in such form and manner as the Commissioners of Inland Revenue may from time to time direct, his name, with such additions as in the said Act mentioned: And whereas it is expedient to substitute in the said section the licensing justices for the Commissioners of Inland Revenue: Be it therefore enacted—

Substitution
of licensing
justices for
Commissioners of
Inland
Revenue as
respects
certain
matters.

- That in the said eleventh section the expression "licensing justices" shall be deemed to be substituted for the expression "Commissioners of Inland Revenue."

25. If during any period during which any premises are required under the provisions of the principal Act to be closed any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or a lodger on such premises, or a bona fide traveller, or that otherwise his presence on such premises was not in contravention of the provisions of the principal Act with respect to the closing of licensed premises and premises kept by a spirit grocer, be liable to a penalty not exceeding forty shillings.

Penalty on
person
found on
premises
during
closing
hours.

- Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of the principal Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and carry him as soon as practicable, before a justice of the peace.

- Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name

A.D. 1874. or address, or gives false evidence with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of the principal Act shall be liable to a penalty not exceeding five pounds.

Saving as to
bonâ fide
travellers
and lodgers.

26. If in the course of any proceedings which may be taken against any person licensed to sell any intoxicating liquor to be consumed on the premises for infringing the provisions of the principal Act relating to the closing of premises, such person (in this section referred to as the defendant) fails to prove that the person to whom the intoxicating liquor was sold (in this section referred to as the purchaser) is a bonâ fide traveller, but the justices are satisfied that the defendant truly believed that the purchaser was a bonâ fide traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case as against the defendant, and if they think that the purchaser falsely represented himself to be a bonâ fide traveller, it shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the next preceding section of this Act.

A person for the purposes of this Act and the principal Act shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare.

Saving as to
section 9 of
the principal
Act.

27. Section nine of the principal Act shall not prohibit an internal communication between any licensed premises and any theatre duly authorised as such by letters patent under the Great Seal of Ireland.

Supply of
intoxicating
liquors after
hours to
private
friends.

28. No licensed person shall be liable to any penalty for supplying intoxicating liquors after the hours of closing to private friends bonâ fide entertained by him at his own expense.

Summons to
police dis-
trict of
Dublin me-
tropolis.

29. In the police district of Dublin metropolis a divisional justice may issue a summons for any offence under the principal Act or this Act, or any Act relating to the sale of any intoxicating liquor, upon any information or complaint, either on oath or not, or in writing or not, as such justice shall see fit.

License to
be produced
in court.

30. Every holder of a license, excise license, or order of exemption made under this Act, who on being required by any recorder

or court of quarter sessions on the hearing of any appeal, or by a divisional justice or justice of the peace on the hearing of any summons or complaint, shall not produce and deliver such license, excise license, or order to be read and examined by such recorder, court, or justice respectively, shall be subject to a penalty not exceeding ten pounds, whether it shall or shall not be stated in any summons that such production will be required.

A.D. 1874.

31. Every holder of any excise license along with any other license or licenses, and every holder of several licenses, shall be subject to the provisions of the principal Act and this Act in respect of each such license.

Liability is
in respect of
distinct
licenses.

32. Every entry in any register of licenses of any license, excise license, certificate, or exemption order, and of any conviction ordered to be recorded on a license or on an excise license, and every entry in any book kept in a police court or in any petty sessions order book of any conviction or order under the principal Act or this Act, or either of them, and any copy of such entry purporting in every such case (except that of a petty sessions order book) to be signed and certified as a true copy by the person to whose custody such register or book is intrusted, and in the case of a petty sessions order book purporting to be certified by a justice of the peace, pursuant to "The Petty Sessions (Ireland) Act, 1851," section twenty-one, and form (I a) in the schedule thereto, shall for every purpose be evidence of such license, excise license, certificate, exemption order, conviction and order respectively; and any such entry or any such copy of such entry of a conviction ordered to be recorded on a license or excise license, which license or excise license shall not be produced when required by any recorder, court of quarter sessions, divisional justice, or justice of the peace, shall be conclusive evidence that such conviction was duly recorded on such license or excise license.

Evidence of
licenses,
orders, and
convictions.

33. Any copy or certificate of any license or of any excise license, purporting to be signed and certified as a true copy or certificate by any officer in that behalf appointed by the Commissioners of Inland Revenue, shall for every purpose be conclusive evidence of such license or excise license.

Evidence of
licenses.

34. In the principal Act and in this Act the following terms have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; namely,

Definitions.

[191.]

C 3

- A.D. 1874. "Town" shall mean and include—
 "Town." Any parliamentary or municipal borough;
 Any town having commissioners under an Act passed in the session of Parliament held in the ninth year of the reign of King George the Fourth, intituled "An Act to make 5
 " provision for the lighting, cleansing, and watching of
 " cities and towns corporate, and market towns, in Ireland,
 " in certain cases;"
 Any town having municipal commissioners under an Act passed in the session of Parliament held in the third and 10
 fourth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for the regulation of municipal corporations in Ireland;"
 Any town having town commissioners or commissioners under the Towns Improvement Act, 1854, or under any 15
 Local and Personal Act:
- "License." "License" shall mean any license for sale of any intoxicating liquor granted by an officer of excise in Ireland upon production, in the police district of Dublin metropolis, of a certificate of the recorder of the city of Dublin, or of a divisional justice, and 20
 elsewhere of a certificate of any recorder of a city or borough, or of justices, under the provisions of any Act now or hereafter requiring such certificate, but shall not include an excise license as defined by section eighty-one of the principal Act, or a wholesale beer dealer's license, as herein-after defined: 25
 " Wholesale beer dealer's license " shall mean a license to any person not being a brewer of beer, authorising the sale of strong beer only in casks containing not less than four and a-half gallons imperial measure, or in not less than two dozen reputed quart bottles at one time, to be drunk 30
 or consumed elsewhere than on the premises of such person:
- " Occasional license." "Occasional license" shall mean a license to sell beer, spirits, or wine granted in pursuance of the thirteenth section of the Act the twenty-fifth and twenty-sixth years of the reign of Her 35
 present Majesty, chapter twenty-two, and section five of the Act of the session of the twenty-seventh year of the reign of Her present Majesty, chapter eighteen, and the Acts amending the same in relation to the licenses therein mentioned, or of any of such Acts: 40
- " Register of Licenses." "Register of Licenses" shall mean the list or register directed to be kept by this Act:

The term "clerk to the licensing justices" shall mean the person who keeps the register of licenses: A.D. 1874.

And the principal Act shall be construed as if the meanings by this Act assigned to the terms "license," "register of licenses," and "clerk to the licensing justices" were respectively substituted in the seventy-seventh section of the Licensing Act, 1872, for the respective meanings thereby assigned to the same terms. "Clerk of Licensing Justices."

35. From and after the commencement of this Act there shall be repealed the sections of the principal Act relating to the following matters: that is to say, Repeal.

- (1.) Sections nineteen to twenty-two, both inclusive, relating to adulteration;
- (2.) Section thirty-five, relating to entry on premises by constables; and
- 15 (3.) So much of sections five, six, thirteen, fourteen, sixteen, seventeen, seventy-eight, eighty-three, and eighty-four as relates to the records of convictions on licenses;
- (4.) The last paragraph of section fifty-six, beginning with the words "In a county the justices," to the end of the section.
- 20 Provided that the repeal enacted in this Act shall not affect—
- (1.) Anything duly done or suffered under any enactment hereby repealed;
- (2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed;
- 25 (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed.

Intoxicating Liquors
(Ireland) (No. 2).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to the
sale and consumption of Intoxicating
Liquors in Ireland.

(Printed and brought to light
by
Sir Richard Ellis, Bart. and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, to be Printed,
3 July 1876.

[Bill 191.]

Under 3. 02.